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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/678,162

10/06/2003

Chih-Hsiang Yang

3126-429

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04/13/2006

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EXAMINER

MAI, TRI M

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 04/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/678,162

Applicant(s)

YANG, CHIH-HSIANG

Examiner

Tri M. Mai

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3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 4-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1. Claims 4-6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is only one cable that is bent in a U shape section in order to go through portion 24. It is unclear how can portions 24 can accommodate two cables as claimed.

2. Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term steel cable is incorrect. "cable" refers to elongate objects that does not have any rigidity along its longitudinal direction.

3. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (6682027) in view of Cheng (6386362) Cheng teaches a bag having top opening with a pivotal section, supporting arms having first end pivotally connected to the pivotal section, embedding element, and upholding post 82 pivotally disposed inside a socket 50. Chang teaches that it is known in the art to provide a stand structure having the steel cables and the fixing plate and embedding element 24. It would have been obvious to one of ordinary skill in the art to provide the two steels cables and the fixing plate connected to the center sections of the two steels cables to provide an alternative actuating means for deploying the supports of the golf bag.

Regarding claim 5, the blocking element in Cheng is either portion 52 (it does limit any movement of the socket laterally, or wall 15 of the bottom.

Regarding claim 6, note the lower opening 80 in Cheng.

To the degree it is argued that Cheng does not teach the lower opening, it would have been obvious to one of ordinary skill in the art to lower the opening to provide the desired location for inserting the actuating members since it is well known art to rearrange parts of an invention involves only routine skill in the art, see *In Re Japikse*, 86 USPQ 70 (CCPA) 1950.

4. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Chang rejection, as set forth above, and further in view of the admitted Prior Art. To the degree it is argued the Chang combination does not teach the two cables, the admitted Prior art teaches two cables 15, it would have been obvious to one of ordinary skill in the art to use two cables as taught by the admitted Prior art to provide an alternative resilient means.

5. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Chang rejection, as set forth above, and further in view of the admitted Cheng (6564937) or Han (6098797). To the degree it is argued that the Chang combination does not teach the lower opening, It would have been obvious to one of ordinary skill in the art to provide the lower opening as taught by either Cheng '937 or Han to provide the desired location for inserting the actuating members

6. Applicant's arguments filed have been fully considered but they are not persuasive. Applicant asserts that the combination does not teach a bending portion pivotally connected to the fixed portion by the bending cable. The examiner submits that the portion 24 in Cheng is the pivoting point for the two cables as claimed. With respect to the two steel cables, it is noted that the claimed two cables must be bend to enable it to go through portion 24 as claimed, as shown in Fig. 6 and 7. Applicant's "two steel cables" is the same as the resilient portion 64 in Cheng. There are no structural differences between the two steel cables and the cable in Cheng. With

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respect to the cable connected at the first end, it is noted that the term “end” is broad and encompassing at least 50 percent of the length. Thus, the cable in Cheng is connected to the first end of the supporting arms as claimed. With respect to the lower opening, it is noted that the term lower opening does not imply the opening is on the lower portion of the bag. In the very least the opening in Cheng is on lower than at opening portion of the bag 14. With respect to the blocking element, portions 52 in Chang or the wall at 15 are the blocking element as claimed since the term “blocking element” is broad. In the very least portions 52 blocks the two side portions of the pivoting socket.

Furthermore, it is noted that it is well known in this art to substitute one type of retractable stand for another type of retractable stand. Thus, It would have been obvious to one of ordinary skill in the art to provide the retractable stand in Cheng 362 for the retractable in Chang ‘027 to provide an alternative retractable stand system.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
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